

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

SPECIAL MEETING AND PUBLIC HEARING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Thursday, September 27, 2007

7:00 P.M.

AMENDED September 26, 2007

1. CALL TO ORDER, MAYOR OLIVER PARKER

Mayor Parker opened the meeting at 7:08 p.m. Present were Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner McIntee, and Commissioner Silverstone. Also present were Attorney James Cherof, Town Manager Esther Colon, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Father Hanrahan gave the invocation

2A. PRESENTATION OF BUDGET FOR FISCAL YEAR 2007-2008 (Town Manager, Esther Colon)

Martin Sherwood, Director of Finance and Budget gave an updated PowerPoint presentation of the tentative budget as modified on September 14, 2007. He stated that the slides had been updated to reflect the Commission's tentative decision to lower the millage rate to the roll back rate of 4.1012 and the already reduced fire assessment fees and elimination of the stormwater assessment fees. Director Sherwood said the total budget equaled \$28 million and the ad valorem made up almost 6% of the budget.

Director Sherwood said the largest use of the General Fund was public safety, projected at \$6,566,804, with a breakdown of Fire Rescue at 16%, Fire at 34% and Police at 42%. He said the second largest fund was the General Fund at \$3,719,220 and the third largest was the General Government Fund at \$3,302,240. He talked about the Capital Improvement Fund which provided almost \$9.8 million in funding for capital and infrastructure projects.

Director Sherwood spoke about the emergency reserve fund and said it was important to be prepared. He pointed out that Lauderdale-By-The-Sea ranked within the top 30% of lowest millage rate in all Broward County Municipalities. Director Sherwood showed the funds carried forward for projects at \$2,273,240.

Mayor Parker asked Manager Colon where the budget showed the difference. Manager Colon said it was attached as exhibit A to Resolution 2007-20.

Attorney Cherof announced that when the public hearing portion of the millage and budget resolutions were opened the public would then have the opportunity to ask questions or make comments.

3. RESOLUTIONS

a. PUBLIC HEARING

Resolution 2007- 19 Adopting the Final Millage: A RESOLUTION OF THE TOWN OF LAUDERDALE BY-THE-SEA OF BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES FOR BROWARD COUNTY FOR FISCAL YEAR 2007-2008; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cherof read Resolution 2007-20 by title

Mayor Parker opened the public hearing.

Tom Carr asked about the revenue for the sewer charges that used to be billed bi-monthly, He said since Ft. Lauderdale is now collecting both the water and sewer charges, would they return the sewer charges back to the Town of Lauderdale By-The-Sea, or whether the money went directly to the City of Pompano Beach.

Mayor Parker explained there were two providers, Ft. Lauderdale provided the water and sewer services and Pompano Beach provided water only, north of Pine Avenue.

Mr. Carr wanted to know where the excess charges went. Manager Colon explained that the Town of Lauderdale By-The-Sea paid the City of Pompano Beach for the master sewer bill for the south end of town and for Sea Ranch Condos.

Peanuts Wick wanted to know about the debt service. He said in 2000-2001 the Town had \$29,000 in debt service and now it was up to \$2.4 million. Mr. Wicks felt the 4% interest rate was expensive. Mayor Parker explained there was a surplus due to annexation. He added that the Town decided to borrow the money at 4% with a ten year pay back which half had already been paid off. Mayor Parker said construction costs were much higher and pointed out that while 4% was the interest rate, the Town was getting a higher interest rate. Peanuts said the Town needed to look at their expenses. He suggested the roll back at 4.1012.

Vice Mayor Yanni said there were nine plaques on the wall in Town Hall for excellence in financial reporting. Mayor Parker said there were ten awards for substance and nine for presentation.

Diane Boutin thought it was smart to promote one of the best financial directors to Town Manager. She spoke about the comings and goings of businesses and hotels, and the loss of tax revenue and suggested monies be considered in the budget for landscaping and cleaning the portals at least once a week, along with funds for underground utilities.

Barbara Cole thought lowering the air conditioning in Jarvis hall could save money. She said she noticed the Town was spending \$81,000 to relocate the generator and thought that

Town Commission Special Meeting Minutes
September 27, 2007

was a mistake. She also thought that 41% of the budget going to public safety was ludicrous. She suggested Waste Management might underwrite special events as they do for other cities.

Maureen McIntee said when the “new guard” becomes “old” let us believe they will be known as the “good guard”.

John Thompson distributed a spreadsheet showing the percentages in which other cities decreased their millage over the last ten years. He also pointed out the debt service and the loans, specifically the annexation loan. Commissioner McIntee asked if a \$2 million line of credit was given to the Town to purchase the pier. Mayor Parker said it was \$3 million, which was not used to purchase the pier, but used to purchase a parking lot. He said the Town still owed \$2.3 million.

Mr. Thompson calculated the interest and thought the Town paid back too much on the loan. He believed the millage could be substantially reduced and mentioned the several reserves that were equal to \$4 million.

Camille Montgomery saw a \$30,000 figure for the parking lot on Leisure Towers. Mayor Parker explained the Town needed an easement from Leisure Towers for the under grounding of the wiring and space for a transformer box and Leisure Towers wanted improvements to their parking lot in exchange.

With no one else wishing to speak, Mayor Parker closed the public portion of the hearing.

Commissioner Silverstone made a motion to approve Resolution 2007-19. Mayor Pro Tem Clark seconded the motion.

Mayor Parker made a motion to lower the millage to 3.85. Commissioner Silverstone seconded the motion with discussion.

Mayor Parker explained that money would come from the elimination of one Sergeant position, 2 deputies and cuts in Town salaries. Commissioner McIntee felt the Mayor was imposing a hardship on the Town and the new Commission.

Lengthy discussion followed regarding the number in staff that was already cut and the cost of living raise that would be allowed for employees this year according to the Broward County Cost of Living Index on September 30, 2007.

Commissioner McIntee made a motion to raise the previous question. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 4-1 with Mayor Parker dissenting.

Commissioner Silverstone had a question on page 42 regarding an item called hurricane storm 4.35, \$551,000. Manager Colon explained those were the funds that would have stayed in the account had the millage been adopted at 4.35.

In a roll call vote, the motion carried 4-1 with Mayor Parker dissenting.

b. PUBLIC HEARING

Resolution 2007- 20 Adopting the Final Budget for Fiscal Year 2007-2008: A RESOLUTION OF THE TOWN OF LAUDERDALE BY-THE-SEA OF BROWARD COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES FOR BROWARD COUNTY FOR FISCAL YEAR 2007-2008; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cherof read Resolution 2007-20 by title.

Mayor Parker opened the public portion of the hearing.

Diane Boutin indicated that surrounding towns / cities have had tremendous growth and increased their tax base. She said this town has not seen any reconstruction or new development in years. Ms. Boutin congratulated the Town on 4.1012 and believed public safety was the major part of the budget.

John Thompson talked about the Sunset Lane and the Palm Club capital improvements. Mr. Thompson did not believe that it was fair to use public funds in private areas. Mr. Thompson did not believe that 13 firefighters could provide sufficient safety for the town.

Tom Carr felt the Town should be charging for the sewer lines and resurfacing of the roads. He said it could bring in \$16 million.

With no one else wishing to speak, Mayor Parker closed the public portion of the hearing.

Vice Mayor Yanni made a motion to approve Resolution 2007-20. Commissioner McIntee seconded the motion.

Mayor Parker was against charging for the sewers. He said Sunset Lane was a public road, and Palm Club was private. He felt that if Palm Club wanted to keep it private they should pay for the improvements and should be assessed.

Mayor Parker placed for discussion, a special assessment for Palm Club for their sewers or in the alternative, deed the road to the Town of Lauderdale-By-the-Sea, for the October 9, 2007 meeting.

Mayor Parker wanted to delete the positions for a Public Information Officer and a Public Safety Administrator from the budget and contract the positions out. Town Manager Colon explained the positions were needed. Commissioner McIntee believed that a Public Information Officer was needed but a Public Safety Administrator was not. Manager Colon suggested discussing staff in private.

Attorney Cherof suggested that if the Commission wished to delete a line item and amend the budget, that person should make a motion and, if there was a second, then discussion could follow.

Town Commission Special Meeting Minutes
September 27, 2007

Mayor Parker made a motion to eliminate \$167,886 for both positions. Commissioner McIntee seconded the motion with an amendment.

Commissioner McIntee amended the motion to eliminate only the Public Safety Administrator. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 4-1 with Mayor Parker dissenting.

Mayor Parker questioned the amount budgeted for Public Safety Administrator. Commissioner McIntee made a motion to take \$90,000 off that line. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 5-0.

Mayor Parker continued to question the different positions and why they were needed and suggested the elimination and/or cuts in existing salaries.

Commissioner Silverstone indicated internal audits would be costly and said if any of the citizens felt there was an area that needed an audit to bring it to his attention. He talked about the Town's debt and said it would cost each person \$2,363 to pay it off in one year.

Commissioner McIntee said last year the town paid \$2.2 million for engine 36, or three fire fighters, and of that \$2.2 million, \$444,000 went for the cost of the volunteer fire department to participate with the Broward County Sheriff's Office. He said that since November, 2006 there were no expenses going to the Volunteer Fire Department. Commissioner McIntee believed that \$444,000 was not accounted for last year, or this year. He pointed out that money should have come back to the Town. Commissioner McIntee directed Manager Colon to get a breakdown as he believed the Broward Sheriff's office owed the Town of Lauderdale-By-The-Sea over \$800,000.

Manager Colon said the Broward Sheriff's Office indicated the money was going towards paid professional firefighters. Commissioner McIntee believed that the Town was owed the money.

Commissioner McIntee made a motion to reduce the line item by \$465,000. Commissioner Silverstone seconded the motion.

Mayor Pro Tem Clark asked Attorney Cherof if the Town was within their rights to do that. Attorney Cherof said it was unusual for any Commission to adopt a budget that would put them in a position of breaching a contract.

Mayor Pro Tem Clark wanted a breakdown as to where the money was going.

Attorney Cherof said under the first motion the Commission would remove the funds necessary to make payments under the contract, which would put the Town in a breach of agreement. He added that if the Broward Sheriff's Office decided to exercise their right to cancel the agreement on short notice for material breach, the Town would then be in a position to provide fire services to the Town where the Town was not in the position to do so.

Attorney Cherof said the Town of Lauderdale By-The-Sea had an agreement to pay a certain amount of monies to the Broward Sheriff's Office.

Commissioner Silverstone indicated that the 5% increase the Town of Lauderdale By-The-Sea gave Broward Sheriff's Office equaled \$163,000. He believed that could be reduced by a minimum of a \$160,000 without breaking the contract as the contract calls for an increase of up to 5%.

Vice Mayor Yanni said the Broward Sheriff's Office charged \$400,000 when the volunteer fire department was here. He added that since the volunteer firefighters are no more, the Broward Sheriff's Office should return the money. Vice Mayor Yanni did not feel the issue needed to be investigated. He believed that it didn't matter how they spent the money; they owe it.

Mayor Parker said the contract calls for the Town of Lauderdale By-The-Sea to pay the Broward Sheriff's Office for fire services. He added that if the Commission voted in favor then in effect they would be firing the Sheriff, and the Sheriff would pull his fire trucks out of town.

Vice Mayor Yanni asked about the meetings through Commissioner McIntee and the Sheriff Lamberti. He suggested the Commission instruct Manager Colon to contact Sheriff Lamberti. Mayor Parker suggested voting against the reduction and placing it on the agenda for October 9, 2007 to discuss with the Sheriff the amount owed to the Town.

Attorney Cherof advised the budget could subsequently be amended during the fiscal year.

Commissioner McIntee clarified his motion was to take \$465,000 out of the budget and place it in reserve.

Attorney Cherof pointed out that if the money was taken out of the fire budget, Manager Colon could not pay the amounts due under the contract. Commissioner McIntee said the budget could be amended down the road and pay additional funds if necessary.

In a roll call vote, the motion carried 3-2 with Mayor Pro Tem Clark and Mayor Parker dissenting.

Mayor Pro Tem Clark made a motion to have Manager Colon get an explanation from the Broward Sheriff's Office as to "why". Mayor Parker seconded the motion.

In a roll call vote, the motion carried 5-0.

Mayor Parker wanted to renew a contract with Web Master Sunny Eckerd. Manager Colon said that Ms. Eckerd was awarded the contract and did not go out to bid. She said as the Town Manager she felt she had the right to have an employee to manage the web, otherwise receive Request for Proposals.

Mayor Parker made motion to award contract to Sunny Eckerd. Vice Mayor Yanni seconded the motion. After further discussion Vice Mayor Yanni withdrew his second. The motion failed for lack of a second.

Mayor Parker wanted discussion and/or action regarding putting the web contract out for bid on the agenda for October 9th meeting.

Manager Colon suggested the \$465,000 be put in a designated account for fire, in the event that the town had to pay per contract, it would be designated on the books for fire.

Mayor Parker made a motion to place \$465,000 in reserve designated for fire. Mayor Pro Tem Clark seconded the motion.

Manager Colon suggested the difference of \$90,000 for the eliminated position be placed in contingency. She said it would not be touched without direction from the Commission.

Mayor Parker amended his motion to place \$465,000 in reserve designated for fire and \$90,000 in General Fund Contingency. Commissioner McIntee seconded the motion. In a roll call vote the motion carried 5-0.

Mayor Pro Tem Clark made a motion to adopt budget as amended. Vice Mayor Yanni seconded the motion. In a roll call vote the motion carried 5-0.

Mayor Parker recessed the meeting at 9:05 p.m. and reconvened at 9:12 p.m.

4. NEW BUSINESS

- a.** Discussion and/or action regarding Town contract with Broward Sheriff's Office and termination option. (Commissioner Silverstone)

Commissioner Silverstone found that the contract indicated that the Broward Sheriff's Office used their best efforts to negotiate a service agreement with Sea Ranch Lakes which required Sea Ranch Lakes to pay its portion of the cost for fire services.

Mayor Parker said that the Sheriff already had a contract with the Town and had to provide service. He indicated that if the Town discontinued the contract with the Broward Sheriff's Office they would no longer provide service to Sea Ranch Lakes.

Commissioner Silverstone thought it was important to give notice to the Broward Sheriff's Office in order to get Request for Proposals.

Commissioner Silverstone made a motion to give the Broward Sheriff's Office a notice of termination. Mayor Pro Tem Clark seconded the motion.

Commissioner McIntee met with Sheriff Lamberti and asked Sheriff Lamberti why he met with one Commissioner and not others. Commissioner McIntee indicated that Sheriff Lamberti told him that Mayor Pro Tem Clark set up the meeting, went to his office and indicated that he was interested in bringing back the Volunteer Fire Department. He said that Sheriff Lamberti indicated he did not propose that the Volunteer Fire Department drop

their lawsuit, and did not stipulate that a fire fighter could not run for office, or any other proposals.

Mayor Pro Tem Clark said a lot of "soap" was going on and said he went to see Sheriff Lamberti with a plan. He said Sheriff Lamberti was ok with the concept and wanted the Volunteer Fire Department back. Mayor Pro Tem Clark said he had two meetings with Sheriff Lamberti. At that time he showed the Sheriff his proposals and agreed with Commissioner McIntee that the proposal was his own and not that of the Sheriff's. He added that Sheriff Lamberti talked about the problem with Sea Ranch Lakes and when the contract came up Sheriff Lombardy planned on doing something about it.

Vice Mayor Yanni responded to Commissioner McIntee's accusations against Mayor Pro Tem Clark. He was upset that By-The-Sea Times reported something that was incorrect.

Mayor Parker made a motion to amend to terminate the contract and bring back the Volunteer Fire Department as an auxiliary for one year. Commissioner Silverstone seconded the motion. Commissioner Silverstone thought that was a wide open motion.

Commissioner McIntee said that he would submit his papers and go down from Chief Officer to fire fighter if the motion passed. He suggested amending the motion to make the Volunteer Fire Department the town-wide fire department. Mayor Parker agreed that after one year, when the Broward Sheriff Office's contract ended the Volunteer Fire Department would take over as a full time fire department and return to the Fire Hall.

Discussion followed regarding allowing the volunteer fire department one year to get their act together, whether bids for EMS would be necessary, and making the Volunteer Fire Department a town-wide fire department.

Mayor Parker suggested Commissioner McIntee make a motion to give the Broward Sheriff's Office a one year notice of termination of the fire contract and reinstate the Volunteer Fire Department immediately as a town-wide fire department and as the only fire department, starting in one year. Discussion continued with Mayor Parker pointing out that the only part of the contract to be terminated was the fire portion and not EMS.

Mayor Parker and Commissioner Silverstone withdrew their motions.

Commissioner McIntee made the motion as suggested and added that if necessary, would get EMS Request for Proposals as part of the motion. Commissioner Silverstone seconded the motion.

Mayor Parker said notice was to be given on September 30, 2007 for effective date October 1, 2007.

Attorney Cherof wanted to know if the administration was directed to renegotiate a new agreement with the Volunteer Fire organization. He explained that when they were the Town's fire department, the Town of Lauderdale-By-The-Sea had an agreement with them because they were a separate legal entity. Mayor Parker indicated that they would be the Town of Lauderdale-By-The-Sea Fire Department, but would be a legal independent entity.

Town Commission Special Meeting Minutes
September 27, 2007

Mayor Pro Tem Clark clarified the reason he wanted to terminate the contract with the Broward Sheriff's Office was to go to Request For Proposals and therefore, could not support the termination of contract.

Mayor Parker wanted to clarify that the \$90,000 funds that were saved, was to be used as the funding and was part of the motion. Commissioner McIntee said it was.

In a roll call vote, the motion failed 3-2 with Vice Mayor Yanni, Mayor Pro Tem Clark, and Mayor Parker dissenting.

Commissioner McIntee made a motion to terminate the contract with the Broward Sheriff's Office and to get Request for Proposals. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 3-2 with Vice Mayor Yanni and Mayor Parker dissenting.

5. ADJOURNMENT

Commissioner McIntee made a motion to adjourn. With no further business to discuss Mayor Parker adjourned the meeting at 10:48 pm.

Mayor Oliver Parker

ATTEST:

Town Clerk, June White

Date